

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Commercial Taxes Department - Sri Mohammed Shahjahan, DCTO., Jubilee Hills Circle, Punjagutta Division - Review petition filed against the seniority list of ACTOs in Zone - VI - Inclusion of his name in the panel of 1984 -85 in the cadre of Assistant Commercial Tax Officer and to assign notional seniority on par with his Junior with due procedure - Orders - Issued

REVENUE (CT.I) DEPARTMENT

GO Ms.No. 1526

Dated: 18/ 12/2008

Read the following

1. Representation of Sri Mohd Shahjahan, Deputy Commercial Tax Officer dt. 23.4.2004
2. Commissioner of Commercial Taxes Ref No DX2/833/2004 dt. 24.7.2004
3. Memo no. 26668/CTI(2)/04-1 dt.6.1.2005
4. From the CCT Lr.Ref.No.DX2/768/06, Dated 29.08.2006.
5. Memo no. 39145/CTI(2)/06-1 dt.2.9.2006
6. From the CCT Lr.Ref.No.DX2/768/06, Dated 23.06.2007.
7. From the Commissioner of Commercial Taxes Ref No DX(2)/768/2008 dt.12.11.2008

ORDER

In the reference 3rd read above Sri Mohd Shahjahan filed a representation through Commissioner of Commercial Taxes , wherein he has requested the Government to consider and protect his seniority in the panel year 1983-84 on par with his Junior Sri G.Madhusudhan Rao, Deputy Commercial Tax Officer .

2. The Commissioner of Commercial Taxes , Hyderabad in his report stated that the Hon'ble Supreme Court in Civil Appeal No 617/2005 in its Judgement has upheld the merit panel of Assistant Commercial Tax Officers for the year 1983-84. Sri Mohd Shahjahan filed an appeal before the Government on 23.4.2004 for his retention in the panel year 1983-84 . The Commissioner of Commercial Taxes has furnished her remarks duly indicating the reasons for which Sri Mohd Shahjahan cannot be included in the panel year 1983-84 of the Assistant Commercial Tax Officers. Based on the above, Government vide memo no. 26668/CTI(2)/04-01, Rev(CT I)Dept dt. 6.1.2005 have rejected the appeal of Sri Mohd Shahjahan . Subsequently, Sri Shahahan has filed a review petition on 14.2.2005 before the Government relying on GO Rt.No. 1980, dt. 17.10.2005 wherein Sri G.Madhusudan Rao was given notional seniority in the cadre of Assistant Commercial Tax Officer in the panel year 1984-85 as Sri M.Madhusudan Rao is Junior to him.

3. The Commissioner of Commercial Taxes has stated that Sri Mohd Shahjahan was not originally included in the merit panel of Assistant Commercial Tax Officers of 1983-84 of erstwhile Hyderabad III Division now called as Charminar Division. In this panel year , the post of Assistant Commercial Tax Officer was treated as selection post and the candidates were included in the panel purely basing on their record sheet. Some of the persons , who were not included in this panel year i.e. 1983-84 of Assistant Commercial Tax Officers , filed an appeal to Government .

4. Government , in GO Ms.No. 1010 Revenue(SS)Dept , dt. 21.7.1984 has subsequently, set aside the Assistant Commercial Tax Officer merit panel for the year 1983-84 prepared by the Commissioner of Commercial Taxes and directed to prepare a fresh panel for the year 1983-84 treating the post of Assistant Commercial Tax Officer as non-selection post and with reference to the seniority cum fitness of the candidates. In terms of the said G.O., the Commissioner of Commercial Taxes has prepared the revised panel of ACTOs for the year 1983-84 duly taking seniority and fitness into consideration. In this panel Sri Mohd. Shahjahan was included above one Sri T.Raghunath Singh. The name of Sri Mohd. Shahjahan was included in the panel year 1983-84 of Assistant Commercial Tax Officers of Hyderabad III division vide GO .Ms. No 1675, Revenue(CTI)Dept dt. 31.10.1994 subject to the outcome of SLP No 2213/85 before the Hon'ble Supreme Court of India.

5. Sri G. Madhusudhan Rao, Assistant Commercial Tax Officer who was junior to Sri Mohd Shahjahan and who was not included in the revised panel of 1983-84 of Assistant Commercial Tax Officers prepared pursuant to GO MS .No. 1010, Revenue (SS) Department dated. 21.7.1984

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has filed and appeal to the Government for inclusion of his name also in the panel year 1983-84 of Assistant Commercial Tax Officers of Hyderabad III. Government has considered and allowed the appeal and issued GO Rt.No. 1314, Revenue(CT I)Dept dt. 6.8.1997 including his name in the panel year 1983-84 of Hyderabad III Division. Sri Dhanaraj Puneria, Assistant Commercial Tax Officer has filed an appeal before the Hon'ble Andhra Pradesh Administrative Tribunal in OA No 6811/97. The OA was dismissed on 4.2.1998 by the Hon'ble Andhra Pradesh Administrative Tribunal .

6. Subsequently, in the light of GO MS.No. 900, dt. 8.10.1991, the Commercial taxes Dept was re-organised into nine(9) Nodal Divisions, and Sec'bad nodal division has been formed . Upon formation of Secunderabad Nodal Division, the seniority list of ACTOs in the twin cities was revised for the years 1975-76 to 1991-92 and this was published in Gazette No 119, dt. 25.3.2004. In this revised seniority list of Secunderabad Nodal Division, Sri Mohd Shahjahan was included in the panel year 1989-90 and Sri G.Madhusudhan Rao was included in the panel year 1990-91.. However, the Government in GO Rt.No. 1980 dt. 17.10.2005 has allowed the appeal of Sri G.Madhusudhan Rao and including his name in the panel year 1984-85. In the light of inclusion the name of Sri G.Madhusudhan Rao in the panel year 1984-85, Sri Mohd Shahjahan has once again filed an appeal before the Government on 11.11.2005.

7. The Commissioner of Commercial Taxes has stated that in the integrated seniority list of ACTOs of Zone VI published in Andhra Pradesh Gazette No 119, dt. 25.3.2004 for the panel years from 1975-76 to 1991-1992, the name of Sri Mohd Shahjahan found place at S.No. 342 against the panel year 1989-90 whereas the name of Sri G.Madhusudhana Rao found place at S.No. 349 in the same Gazette. As per GO Ms.No. 1980 Rev(CTI)Dept dt. 17.10.2005 in the revised integrated seniority lists of Assistant Commercial Tax Officers from 1975-76 to 1991-92 and 1992-93 to 2000 of Zone VI(Secunderabad and Hyderabad Rural nodal divisions) published in Andhra Pradesh Gazette No 823, dt. 2.12.2005, the name of Sri Mohd Shahjahan was shown at S.No. 348 against the panel year 1990-91 whereas the name of Sri G.Madhusudhan Rao at S.No. 232 against the panel year 1984-85. But for the Go Rt. No 1980 dt. 17.10.2005, Sri Mohd Shahjahan is senior to Sri G.Madhusudhan Rao at all points of time in the cadre of Assistant Commercial Tax Officer.

8. After careful examination of the entire issue Government have decided to consider the request of the Petitioner (i.e) Sri Mohammed Shahjahan, Deputy Commercial Tax Officer for inclusion of his name in the panel of 1984-85 in the cadre of Assistant Commercial Tax Officer and to assign notional seniority on par with his junior.

9. The Commissioner of Commercial Taxes shall take necessary action in the matter.
(BY ORDER IN THE NAME OF THE GOVERNOR OF AHDRA PRADESH)

G. SUDHEER,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The individual through the Commissioner of Commercial Taxes
The Commissioner of Commercial Taxes , Andhra Pradesh, Hyderabad
Copy to the Stock File/Spare.

// FORWARDED:: BY ORDER//

SECTION OFFICER